

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE WORLD TRADE CENTER SITE  
LITIGATION:

ALL PLAINTIFFS REPRESENTED BY THE  
NAPOLI BERN FIRM INCLUDED HEREIN

Plaintiff(s),

**SUPPLEMENT TO**  
**STIPULATION OF**  
**VOLUNTARY DISMISSAL**  
**WITH PREJUDICE AGAINST**  
**PHILIPS AND JORDAN ONLY**

21 MC 100 (AKH)

21 MC 103 (AKH)

-against-

PHILIPS & JORDAN, INC.,

Defendant(s).  
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On May 6, 2011, this Court Ordered the voluntary dismissal of plaintiffs filing against Philips & Jordan, Inc., in the matter listed above, pursuant to fully executed Settlement Agreement by and between counsel for the parties, a copy of said Order, including the list of plaintiffs who opted into said settlement and were so Ordered to be voluntarily dismissed, are collectively identified on Exhibit "A", attached hereto. In addition, on May 6, 2011, this Court Ordered the voluntary dismissal of derivative plaintiffs filing against Philips & Jordan, Inc., in the matter listed above, pursuant to fully executed Settlement Agreement by and between the parties, a copy of said Order, including the list of derivative plaintiffs, is collectively attached hereto as Exhibit "B".


Subsequent to the execution of the Orders annexed hereto, the plaintiffs identified on Exhibit "C" attached hereto, have elected to participate in the Fresh Kills Settlement and have agreed to voluntarily dismiss with prejudice their claims against Philips & Jordan, Inc.

It is hereby STIPULATED and AGREED by and between the parties, that pursuant to the Federal Rule of Civil Procedure, 41, that:

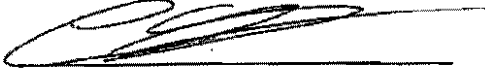
1. The plaintiffs identified on Exhibit "C" attached hereto, are dismissed with prejudice against Philips & Jordan, Inc., pursuant to the fully executed Settlement Agreement by and between counsel for the parties. Said Agreement was approved and so Ordered by this Court on November 15, 2010.
2. All claims by the plaintiffs identified on Exhibit "C" are arising out of or relating in any way to the World Trade Center-related rescue, recovery, and/or debris-removal operations and/or clean-up at any location and/or after September 11, 2001, are dismissed with prejudice; and
3. The dismissal is without costs to either party.

Dated: New York, New York  
June 27, 2011

MCGIVNEY & KLUGER, P.C.

  
Richard E. Leff (RI-2123)  
80 Broad Street, 23<sup>rd</sup> Floor  
New York, New York 10004  
(212) 509-3456  
Fax: (212) 509-4420

WORBY GRONER  
EDELMAN NAPOLI BERN, LLP

  
Christopher R. LoPalo (CI-6466)  
350 5<sup>th</sup> Avenue, Ste. 7413  
New York, New York 10118  
(212) 267-3700

SO ORDERED, this 30 Day of June, 2011,

  
ALVIN K. HELLERSTEIN  
United States District Judge

**PLAINTIFFS VOLUNTARILY DISMISSING CLAIMS AGAINST PHILIPS AND JORDAN**

	A	B	C	D	E
1	Primary Plaintiff First Name	Primary Plaintiff Last Name	Derivative Plaintiff Last Name	Derivative Plaintiff First Name	Civ Number
2	Barberi-Franco	Nancy	N/A		07CV10923
3	Durler	David	Durler	Nanci	07CV08959
4	Duval	Keith	Duval	Christine	06cv10553
5	Gaines	Charlie	N/A		06cv08599
6	Iovino	James	N/A		06cv07311
7	Keane	Richard	Keane	Denise	06cv09798
8	Mangan-Nadal	Constance	Nadal	Edwin	06cv07316
9	Martinez	Angel	N/A		07cv07116
10	Mimms	Charles	Mimms	Michelle	08cv01447
11	Rotondo	Joseph	Rotondo	Regina	06cv14105
12	Seabasty	Thomas	N/A		06cv15055
13	Tierney	Brian	Tierney	Denise	06cv11124
14	Vasquez	Carlos	N/A		06cv10965
15	Ward	Garrett	Ward	Adrean	06cv08639
16	Williams	Lisa	N/A		08cv01435